

20.05.2025
Court No. 18
Item No. 1438
(Suvendu)

WPA 14529 of 2023

Bimanul Hoque & Anr.
-Versus-

The State of West Bengal & Ors.

Mr. Asim Banerjee
Ms. Mrinmoyee Roy Chowdhury
.....for the petitioners

Md. Sarwar Jahan
Sk. Nayeemul Haque
.....for the DPSC, Murshidabad

Ms. Sucharita Ray
.....for the State

Matter relates to recruitment of candidates for appointment in the post of primary teachers in connection with 2nd Phase Selection Process, 2009-2010. Petitioners were Exempted Category candidates (Unreserved normal).

Today by filing a report dated 13th March, 2025 Chairman, District Primary School Council, Murshidabad has disclosed that petitioner no. 1 obtained 11.7737 marks and petitioner no. 2 obtained 13.7804 marks whereas last empanelled candidate under the category of petitioner obtained 15.7232 marks. Therefore, it appears that petitioners did not come within the zone of consideration based on total marks allotted to them.

Report filed today is taken on record and a copy of same is made over to learned advocate for the petitioners.

There is another aspect which does not escape notice of this Court that panel was prepared in 2010 for recruitment of primary teachers and panel had life for a period of two years in the event after expiry of first year extension of life of panel was made. Present writ petition was instituted on 19th June, 2023 which is long after expiry of the panel.

It is decided by the Hon'ble Supreme Court that right of a candidate to question the panel remains till validity of panel and after expiry of the panel candidate loses right to question validity of said panel.

Reliance is placed on the judgments of the Hon'ble Supreme Court reported in **(1996) 9 SCC 309 (State of Uttar Pradesh & Ors. Vs. Harish Chandra & Ors.)** and **(2009) 2 SCC 706 (Girdhar Kumar Dadhich & Anr. Vs. State of Rajasthan & Ors.)**.

Hence, no relief can be granted to the petitioners at this belated stage and the writ petition stands dismissed.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)